

## **REMARKS**

In response to the Office Action dated March 30, 2009, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 30-32 are pending in this application. Claims 1-29 were previously canceled without prejudice or disclaimer.

### **Rejection of Claim 32 under § 102 (e)**

Claim 32 was rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent Application Publication 2005/0262542 to DeWeese *et al.*

Claim 32, though, is not anticipated by *DeWeese*. Claim 32 already recites features that are not taught or suggested by *DeWeese*. Independent claim 32, for example, recites “*receiving broadcasted content from a service provider via a first input,*” “*processing the broadcasted content by a processor for display via a first output,*” “*conducting two-way communications with other devices via a back channel communications path at an input-output port,*” and “*receiving a communication at the input-output port*” (emphasis added). The Office asserts that *DeWeese* teaches these features, and the Office cites to several of *DeWeese*’s paragraphs. The Office, though, is mistaken. The Office has, very respectfully, misinterpreted *DeWeese*. When *DeWeese* is properly interpreted, *DeWeese* makes no such teaching.

*DeWeese* describes a television chat system in which set top boxes may communicate with a television facility. See U.S. Patent Application Publication 2005/0262542 to DeWeese *et al.* (Nov. 24, 2005) at paragraphs [0014], [0055], [0056], and [0059]. **Importantly, though, *DeWeese* explains that both programming and chat messages are sent along the same communications path.** “Multiple television and audio channels ... may be provided to set top boxes 26 via communications paths 24.” *Id.* at [0056]. See also *id.* at FIG. 1A. “As shown in FIG. 2A, real-time communications and chat requests can be distributed along communications

paths 24 from one user television equipment device 20 ... to another user television equipment device 20.” *Id.* at [0071]. *DeWeese*, then, does not “receiv[e] broadcasted content from a service provider via a first input,” “conduc[t] two-way communications with other devices via a back channel communications path at an input-output port,” and “receiv[e] a communication at the input-output port” (emphasis added).

Claim 32, then, is not anticipated by *DeWeese*. Claim 32 already recites features that are not taught or suggested by *DeWeese*. The Office is respectfully requested to remove the § 102 (e) rejection of claim 32.

#### **Rejection of Claims 30 & 31 under § 103 (a)**

Claims 30 and 31 were rejected under 35 U.S.C. § 103 (a) as being obvious over *DeWeese* in view of U.S. Patent 5,548,346 to Mimura *et al.* and further in view of U.S. Patent 5,671,267 to August, *et al.*

Remaining claims 30 and 31, though, are not obvious over the combined teaching of *DeWeese*, *Mimura*, and *August*. These claims already recite, or incorporate, features that are not taught or suggested by the combined teaching of *DeWeese*, *Mimura*, and *August*. Independent claim 30, for example, recites “receiving broadcasted content from a service provider via a first input,” “sending the broadcasted content to the television via a first output,” and “conducting two-way communications with other devices via a back channel communications path at a second output of the set top box” (emphasis added).

These features are not obvious over *DeWeese*, *Mimura*, and *August*. As the above paragraphs explained, *DeWeese* sends **both programming and chat messages along the same communications path**. *Mimura* discloses a processor that analyzes a video signal and correspondingly processes an audio signal. *See* U.S. Patent 5,548,346 to Mimura *et al.* at column 14, lines 21-54. *August* teaches a video receiver that mutes an audio signal when an incoming call is received. *See* U.S. Patent 5,671,267 to August, *et al.* at column 2, lines 58-64. Still,

though, the combined teaching of *DeWeese*, *Mimura*, and *August* fails to teach or suggest “receiving broadcasted content from a service provider via a first input” “and “conducting two-way communications with other devices via a back channel communications path at a second output of the set top box” (emphasis added). Dependent claim 31 incorporates these same features. One of ordinary skill in the art, then, would not think that claims 30 and 31 are obvious over *DeWeese*, *Mimura*, and *August*. Claims 30-31, then, cannot be obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

**New Claims 33-37**

This response presents new dependent claims 33-37. These new claims depend from independent claim 32. New claims 33-37 thus incorporate the same distinguishing features discussed above.

No excess claim fee is believed due. Because new dependent claims 33-37 replace canceled dependent claims 20-24, no excess claim fee is believed due.

---

If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Scott P. Zimmerman', is written over a light gray grid background.

Scott P. Zimmerman  
Attorney for the Assignee  
Reg. No. 41,390